



4/10/07

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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 5741/2007

PETITIONER

D.P. Panik son of Shri Chintaram Panik, aged about 50 years, Sub Engineer, Janpad Panchayat, Masturi, District Bilaspur (CG)

Versus

RESPONDENTS

1. State of Chhattisgarh, Through the Secretary, Department of Panchayat and Rural Development, DKS Bhawan, Mantralaya Raipur (Chhattisgarh)
2. The Chief Executive Officer, Janpad Panchayat, Masturi, District Bilaspur (CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri P.K. Tulsyan, Counsel for the petitioner.

Shri A.S. Kachhawaha, Government Advocate for the State on advance copy.

ORAL ORDER
(1.10.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

The petitioner, who is working on the post of Sub Engineer, has been transferred from Janpad Panchayat, Masturi, District-Bilaspur to Janpad Panchayat, Bhaiyathan, District Surguja on administrative grounds.

Learned counsel for the petitioner argues that the petitioner was previously posted at Bhopalpatanam and he has been transferred from the said place to Masturi by order dated 30.6.2006 and thereafter, by the present order dated 27.6.2007, he has been transferred from Masturi to Bhaiyathan. His submission is that this is a frequent transfer. Secondly, he submits that he has worked for a reasonably long period in a remote place and again he has been transferred to a remote place.



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I have heard learned counsel for the petitioner at length.

The transfer of the petitioner cannot be said to a frequent transfer, because earlier, from Bhopalpatanam to Masturi, he was transferred on 30.6.2006 and thereafter, on 27.6.2007, he has been transferred from Masturi to Bhaiyathan.

So far as the arguments pertaining to remote area are concerned, these are not the grounds for setting aside the order of transfer. If a post is there in a particular area, someone has to go on the said place and it is the discretion of the employer to see as to who should be posted on which place.

The transfer is an exigency of service and nobody posted/working on a transferable post can claim for his posting at a particular place. Unless the order of transfer is shown to be vitiated by malafides or passed on extraneous considerations or is shown against any statutory Rule or Act, it cannot be interfered by a Court of law, is the settled view of the Apex Court.

I do not find any reason to interfere in the order of transfer of the petitioner.

The petition has no merits. The same is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge